

PLANNING COMMISSION MEETING
CITY OF GARDNER, KANSAS
Tuesday, March 25, 2014

CALL TO ORDER

The regular meeting of the Gardner Planning Commission was called to order at 7:00 pm on Tuesday, March 25, 2014, by Vice-Chairman Kimzey.

PLEDGE OF ALLEGIANCE

Vice-Chairman Kimzey led the Pledge of Allegiance.

ROLL CALL

Commissioners present:

Commissioner Limer
Commissioner Gilmore
Vice-Chairman Kimzey
Commissioner Livella
Commissioner Weatherford

Commissioners Absent:

Chairman Meder
Commissioner Barber

Staff members:

Mike Hall, Community Development Director
Michelle Leininger, Planning Manager
Travis Hulse, Planning Technician
Ryan Denk, City Attorney

There were approximately four interested individuals present at the meeting.

CONSENT AGENDA

1. Standing approval of the minutes as written for the meeting on February 25, 2014.

Motion to approve the consent agenda as presented made by Weatherford, seconded by Gilmore, Motion carried 5-0 (2-absent).

OLD BUSINESS

None

NEW BUSINESS

1. FP-14-02 Gardner Auto Body & Storage 2

Michelle Leininger, Planning Manager, presented the staff report for consideration of a final plat application with a recommendation to the Planning Commission for approval, and to forward it to the City Council with a recommendation to accept the easements, subject to the following conditions:

1. Prior to recording of the final plat, the required excise tax shall be paid.
2. Final layout of utilities and locations of associated easements is subject to review and approval by Public Works at submittal of construction plans.

DISCUSSION

None

Motion to approve FP-14-02, and forward it to the City Council with a recommendation to accept easements with conditions (1-2) made by Gilmore, seconded by Limer,
Motion carried 5-0 (2-absent).

2. FDP-14-01 Gardner Auto Body & Storage

Michelle Leininger, Planning Manager, presented the staff report for consideration of a final development plan application with a recommendation to the Planning Commission for approval with the following conditions:

1. Prior to the issuance of a building permit, rezoning Z-13-03 shall be approved by the Johnson County Board of Commissioners and effective.
2. Prior to the issuance of a building permit, the plat for Gardner Auto Body & Storage shall be recorded at the Johnson County Records & Tax Administration (RTA).
3. All public infrastructure layout, design, and easements are subject to review and approval by Public Works when construction plans are submitted.
4. More than one acre will be disturbed during construction of the proposed improvements. Therefore, a Notice of Intent must be submitted to the Kansas Department of Health & Environment (KDHE) and verification of approval must be submitted to the city prior to issuance of a building permit.
5. A copy of the Storm Water Pollution Prevention Plan (SWPPP) for this site must be submitted to the city prior to the issuance of the building permit. This document must be kept on site and all necessary entries made by the contractor throughout all phases of construction. The city reserves the right to review this document at any time without prior notice.

DISCUSSION

Commissioner Limer asked for more information about a comment made within the staff report about past compliance issues of the subject property concerning outdoor storage.

Planning Manager Leininger responded that a conditional use permit had been issued to allow for an outdoor storage area on a portion of the site, but that storage had been expanded outside of the defined area without approval. She added that the submitted application and proposed plan would bring the non-compliant use into compliance, if approved.

Motion to approve FDP-14-01 with conditions (1-5) made by Livella, seconded by Gilmore,
Motion carried 5-0 (2-absent).

3. Z-14-01 (PDP-14-01) Nottingham Village

Michelle Leininger, Planning Manager, presented the staff report for consideration of a rezone application and the associated preliminary development plan with a recommendation to the Planning Commission for approval, and to forward it to the City Council with a recommendation for approval, subject to the following conditions:

1. Prior to the publication of the ordinance approving rezoning, the owners of Shean's Crossing shall dedicate 60' of right-of-way to the city, by way of a recorded deed or recordation of a revised final subdivision plat, in a configuration linking the current 191st Street with 188th Street through Shean's Crossing in a north-south direction generally as shown on the Conceptual Layout Shean's Crossing received March 13, 2014 or as mutually agreed by the City of Gardner and the owners. The location of the dedicated right-of-way, including its intersection with 188th Street, is subject to compliance with Gardner's Access Management Code (adopted by Ordinance No. 2412 or as amended).
2. An application for a revised preliminary plat or final plat shall be submitted before or concurrent with the application for a final development plan. Recordation of a revised final plat is required prior to issuance of a building permit.
3. Revisions to the building elevation sheets shall be made to show dimensions and elevations.
4. The Community Building elevations sheet shall be revised to read Club House as designated on the site plan portion of the preliminary development plan.

Mike Hall, Community Development Director, provided a handout of the amended conditions of approval to all commissioners and submitted it for the record as follows:

1. Prior to the publication of the ordinance approving rezoning, the owners of Shean's Crossing shall either:
 - (a) dedicate 60' of right-of-way to the city, by way of a recorded deed or recorded revised final subdivision plat, in a configuration linking the current 191st Street with 188th Street through Shean's Crossing in a north-south direction, or
 - (b) execute and record with the Johnson County Register of Deeds as to all remaining lots within the current recorded plat an agreement committing the owners to the dedication of said right-of-way, by recorded deed or recorded revised final subdivision plat within 24 months of the Governing Body's adoption of the ordinance approving rezoning Z-14-01. Upon the dedication of such right of way, the City shall file a release of the prior recorded agreement as to all affected lots with the Register of Deeds.

The dedicated right-of-way shall be in a configuration generally as shown on the Conceptual Layout Shean's Crossing received March 13, 2014 or as mutually agreed by the City of Gardner and the owners. The location of the dedicated right-of-way, including its intersection with 188th Street, is subject to compliance with Gardner's Access Management Code (adopted by Ordinance No. 2412 or as amended).

2. An application for a revised preliminary plat or final plat shall be submitted before or concurrent with the application for a final development plan. Recordation of a revised final plat is required prior to issuance of a building permit.
3. Revisions to the building elevation sheets shall be made to show dimensions and elevations.
4. The Community Building elevations sheet shall be revised to read Club House as designated on the site plan portion of the preliminary development plan.

DISCUSSION

Mike Osbourn, Kaw Valley Engineering, provided a summary about the proposed development plan and added further analysis of a potential right-of-way configuration linking 191st Street with 188th Street. He added his agreement on behalf of the developer, Zimmerman Properties, to meet the conditions of approval as stated by staff.

Commissioner Livella asked for further clarification from Mr. Osbourn about the conceptual layout provided for the potential right-of-way configuration, and the parties involved.

Mr. Osbourn responded that Kaw Valley Engineering worked with Zimmerman Properties and the City of Gardner to provide a viable connection while considering the interest of future development of adjacent commercial property.

PUBLIC HEARING

Vice-Chairman Kimzey opened the public hearing at 7:29 p.m.

Vice-Chairman Kimzey invited comments from the public.

There were no public comments.

Motion to close the public hearing made by Livella, seconded by Weatherford at 7:30 p.m.
Motion Carried 5-0 (2-absent).

Motion to approve Z-14-01 (PDP-14-01) with conditions (1-4) made by Limer, with no second.
Vice-Chairman Kimzey interrupted to ask for clarification from staff about what the motion would require.

Planning Manager Leininger reminded the Planning Commissioners that a motion would need to specify either those conditions as provided in the staff report or the conditions as amended.

An amended motion to approve Z-14-01 (PDP-14-01) with conditions (1-4) as amended made by Limer, seconded by Weatherford,
Motion carried 5-0 (2-absent).

DISCUSSION ITEMS

None

ADJOURNMENT

Motion to adjourn made by Weatherford, seconded by Gilmore,
Motion carried 5-0 (2-absent).

Meeting adjourned at 7:31 p.m.

Travis Hulse
Planning Technician

Planning Commission Meeting

City of Gardner, Kansas

March 25, 2014

PLEASE PRINT NAME & ADDRESS

Name

Address

Ray Kimzey

Josh Crosland

JOHAN DEGRANDE

Tony Roberts

Gardner,